



Amy R. Higuera Partner

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Practice Areas

Air Quality & Climate Change | Appellate & Writ Practice | CEQA / NEPA |
Endangered Species | Energy | Energy Project Development |
Infrastructure | Land Use | Real Estate | Real Property & Land Use
Litigation | Regulatory Law & Business Permitting | Water Quality Law

Amy Higuera has successfully represented numerous clients in achieving favorable results in environmental law and land use entitlement matters.

Amy adds to the land use group's depth of experience with the [California Environmental Quality Act](#), among many other federal and state laws that define the complex and changing body of California land use law. Specifically, her practice includes representation and litigation involving CEQA, the Sustainable Communities and Climate Protection Act, the Cortese-Knox-Hertzberg Government Reorganization Act of 2000, the Subdivision Map Act, the California Endangered Species Act, the [National Environmental Policy Act](#), the federal Endangered Species Act and the federal Clean Water Act provisions associated with wetlands permitting. Amy also has experience representing real estate developers with the acquisition and disposition of [commercial real estate](#), including due diligence title and zoning compliance review, as well as drafting and negotiating commercial leases.

Amy has worked closely with local government and regulatory agency staff to ensure environmental compliance, as well as with private developers to secure land use entitlements. She has experience providing counsel on highly complex land use and environmental issues and working with clients and stakeholders to develop successful compliance strategies. She has worked closely with metropolitan planning organizations during their environmental review process for the combined regional transportation plans and sustainable communities strategies required under Senate Bill 375. Working in collaboration with cities, counties, and stakeholder groups, these plans include initiatives to expand housing and transportation choices and build stronger regional economies, while achieving greenhouse gas reduction targets, and providing streamlining benefits for consistent development projects.

Experience

Public Sector

- Representing a municipality in defending its approval of electric utility regulatory changes and compliance with CEQA for future updates.
- Representing a municipality in defending lawsuits filed under CEQA, the Subdivision Map Act, and

Planning and Zoning Law.

- Serving as outside counsel to advise in preparation of all necessary legal documents for SB 375 and CEQA compliance for adoption of Regional Transportation Plan and Sustainable Communities Strategy for the Bay Area.
- Serving as outside counsel to advise in preparation of all necessary legal documents for SB 375 and CEQA compliance for adoption of Metropolitan Transportation Plan and Sustainable Communities Strategy for the Sacramento region.
- Served as outside counsel to the California Department of Fish and Wildlife in litigation associated with the Department's approval of an approximately 12,000 acre development in northwestern Los Angeles County.
- Represented City of Santa Cruz in successfully defending its approval of a master plan for natural resource protection and an accessible trail system in the Arana Gulch open space area.

Private Sector

- Representing an existing medical school in securing entitlements from the City of Sacramento for a medical center campus to include a 14-story, 420-bed teaching hospital, college, dormitories, childcare center, senior residential care facility, and supporting office, commercial, and retail uses.
- Representing applicant in obtaining land use entitlements and completing CEQA review for a solar photovoltaic energy generation facility on approximately 1,228 acres in Merced County.
- Advising developer on entitlement and CEQA strategies for a large infill housing development project in the City of Sacramento, including making effective use of California's housing accountability laws.
- Represented applicant for a 2,000-acre mixed-use specific plan to develop a strategy for first phase entitlements from the County of Sacramento, CEQA compliance, and permits under the Endangered Species Acts.
- Successfully represented the applicant in two lawsuits filed challenging approval of a fitness center project in Roseville and represented same applicant in the administrative process leading to the approval of fitness center project in Folsom.
- Represented project applicant during the administrative process and secured land use entitlements and EIR certification for a 336-unit residential development, neighborhood recreation center and parks, located on an approximately 48.75-acre site in the City of Sacramento. Successfully represented the applicant in trial court and on appeal.
- Represented project applicants in obtaining EIR certification and land use entitlements and successfully defended applicants in litigation challenging approval of a 577-acre mixed-use development including a transit center to facilitate extension of the Sacramento light rail system to the Sacramento International Airport.
- Represented project applicants in obtaining EIR certification and land use entitlements for a 40-acre hospital and medical campus in the City of Elk Grove.
- Represented project applicants in obtaining EIR certification and land use entitlements for a 6,000-acre Urban Development Plan for residential, commercial and medical uses, public facilities and schools in Merced.

- Represented project applicants in obtaining EIR certification, land use entitlements, and development agreements for a 65-acre transit-oriented, mixed-use development in Sacramento.

Published Cases

- *Southwest Regional Council of Carpenters v. City of Los Angeles* (2022) 76 Cal. App. 5th 1154
- *Coalition for an Equitable Westlake/MacArthur Park v. City of Los Angeles* (2020) 47 Cal. App. 5th 368
- *Center for Biological Diversity v. Department of Fish and Wildlife* (2017) 17 Cal.App.5th 1245
- *Center for Biological Diversity v. Department of Fish and Wildlife* (2016) 1 Cal.App.5th 452
- *Bay Area Citizens v. Association of Bay Area Governments* (2016) 248 Cal.App.4th 966
- *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281
- *Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 62 Cal.4th 204
- *Center for Biological Diversity v. Department of Fish and Wildlife* (2014) 224 Cal.App.4th 1105
- *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957

Professional & Community Service

- California Lawyers Association, Environmental Legislation Committee, 2024
- San Francisco Bay Planning Coalition
- Bar Association of San Francisco, Environmental Law Section
- California Lawyers Association, Environmental Law Section
- LEED Green Associate, accreditation earned 2009
- Urban Land Institute, San Francisco
- Commercial Real Estate Women (CREW), San Francisco
- *California Land Use Law and Policy Reporter*, Editorial Board Member, 2008-2010

Education

- J.D., with distinction, Certificate in Governmental Affairs, University of the Pacific, McGeorge School of Law, 2004
- B.A., English, University of California at Davis, 1996

Honors & Rankings

- *Sacramento Magazine*, Top Lawyer, Environmental, 2022
- Dean's Scholarship Award, McGeorge School of Law

- Honors at Entrance, McGeorge School of Law
- Dean's Honor Roll, McGeorge School of Law
- Traynor Honor Society McGeorge School of Law
- Dean's Honor List, University of California, Davis

Speaking Engagements / Events

- *CEQA 2024 Update - A Deeper Dive*, Argent Communications 9th Annual California Land Use Law & Policy Virtual Conference, February 15, 2024
- *BPC Briefing: 2023-24 CEQA Update*, CEQA Case Developments - Year in Review, January 30, 2024
- *CEQA Under Senate Bill 375: Set To Streamline?*, APA California, 2015
- *California Civil Engineering and Surveying Land Law*, Half Moon Seminars, 2008

Publications

- *Legislative Update*, California Land Use Law & Policy Reporter, Volume 33, Number 7, April 2024
- *Legislative Update*, California Land Use Law & Policy Reporter, Volume 33, Number 6, March 2024
- *2023 Year-End Legislative Wrap Up*, California Land Use Law & Policy Reporter, Volume 33, Number 3, December 2023
- *Legislative Update*, California Land Use Law & Policy Reporter, Volume 33, Number 1, October 2023
- *New Guidelines for Analyzing Air Quality Impacts Could Thwart Bay Area Infill Development*, Co-author, Points & Authorities (reprinted in Environmental Leader, September 2010), Summer 2010
- *Examining the Importance of the California Supreme Court's Decision in Save Tara v. City of West Hollywood*, California Land Use Law and Policy Reporter, April 2009
- *A Little Help From One's Friends: Summary of Rules of Court and Procedural Considerations Relating to Amicus Participation*, Contributor, League of California Cities, 2003
- *Health and Welfare Chapter 1017: Providing a New System for Treating the Mentally Ill*, 34 McGeorge Law Review 485, Winter 2003

Legal Alerts

- *California Infrastructure Plan Passes; Governor's CEQA and Species Reforms are Narrowed, but Signed into Law*, July 12, 2023

Blogs

- *Annual Legislative Update: Important Land Use Laws Taking Effect in 2024*, January 4, 2024
- *Standard of Review Surprise: Fair Argument Applies Despite Prior Program EIR According to Fourth*

District, August 18, 2023

- *California Infrastructure Plan Passes; Governor's CEQA and Species Reforms are Narrowed, but Signed into Law, July 12, 2023*
- *Harm to Public Interest in Informed Decision-making Can Tip the Scales When Courts Weigh Preliminary Injunctions, June 30, 2023*
- *Approval Upheld for Lafayette Affordable Housing Project Delayed for a Decade, January 17, 2023*
- *Construction of 90-Foot-Tall Lights at Athletic Field Not Categorically Exempt as either an Existing Facility or Construction of a Small Structure, December 29, 2022*
- *Exhausting Administrative Remedies Does Not Toll the Statute of Limitations When the CEQA Determination Is Not at Issue, December 23, 2022*
- *Court Finds Site Visits and Reports Taken Before and After Issuance of NOP Adequate for Establishing Biological Resources Baseline, EIR's Emergency Evacuation Analysis Upheld, December 21, 2022*